

By Senator Garcia

36-00096-18

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1 A bill to be entitled
2 An act relating to the use of wireless communications
3 devices while driving; amending s. 316.305, F.S.;
4 revising the legislative intent relating to the
5 authorization of law enforcement officers to stop
6 motor vehicles and issue citations to persons who are
7 texting while driving; requiring deposit of fines into
8 the Emergency Medical Services Trust Fund; deleting a
9 provision requiring that enforcement of the Florida
10 Ban on Texting While Driving Law be accomplished only
11 as a secondary action; providing an effective date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Paragraph (d) of subsection (2) and subsection
16 (5) of section 316.305, Florida Statutes, are amended to read:

17 316.305 Wireless communications devices; prohibition.-

18 (2) It is the intent of the Legislature to:

19 (d) Authorize law enforcement officers to stop motor
20 vehicles and issue citations ~~as a secondary offense~~ to persons
21 who are texting while driving.

22 (5) Notwithstanding s. 318.21, all proceeds collected
23 pursuant to s. 318.18 for a violation of this section shall be
24 remitted to the Department of Revenue for deposit into the
25 Emergency Medical Services Trust Fund of the Department of
26 Health ~~Enforcement of this section by state or local law~~
27 ~~enforcement agencies must be accomplished only as a secondary~~
28 ~~action when an operator of a motor vehicle has been detained for~~
29 ~~a suspected violation of another provision of this chapter,~~

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30 ~~chapter 320, or chapter 322.~~

31 Section 2. This act shall take effect October 1, 2018.